L Number	Hits	Search Text	DB	Time stamp
-	212	fold$ adj10 easel	USPAT	2004/09/01 16:55
-	24	easel adj10 blank	USPAT	2004/09/14 11:43
-	6	easel adj10 blank	EPO; JPO; DERWENT	2004/09/14 11:43

Office Action Summary	Application No.	Applicant(s)	
	10/733,637	ONUKI ET AL.	
	Examiner	Art Unit	
	Patrick F. Brinson	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12-17* is/are allowed.

6)☒ Claim(s) *1,2,4-8,10 and 12* is/are rejected.

7)☒ Claim(s) *3,7 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/23/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: Claim 12, line 11 recites, "...such that each of the seal tubes is in a tightly sealed stated...". "Stated" should be changed to "state". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,870,085 to **Schneider**.

The patent to **Schneider** discloses a seal device for a tubular member, fig. 4, including a seal tube (50) having openings at the fore and rear ends, first (52, 54) and second (52, 54) base members to be inserted to the fore and rear ends of the tube so as to tightly seal the inside of the seal tube. A fluid injection passage (59) disposed so as to communicate with the inside of the seal tube through the second base member, as well as a discharge pipe (53) inserted through the seal tube and communicating with an outside of the seal tube

through first and second base members. Valve switch (68) is disclosed for opening and closing the discharge pipe, as recited in claim 1. Other embodiments shown in figs. 1 and 3 disclose a pulling member (20) detachably connected to the second base member and extending outside of the fluid passage so that the seal can be pulled out from the fluid passage with the application of a pulling force, as recited in claim 4.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,354,515 to **Sutherland**.

The patent to **Sutherland** discloses a seal device for a tubular member, including a seal tube (20) having openings at the fore and rear ends, first (30) and second (28) base members to be inserted to the fore and rear ends of the tube so as to tightly seal the inside of the seal tube. A fluid injection passage (32) disposed so as to communicate with the inside of the seal tube through the second base member (19), as well as a discharge pipe (40) inserted through the seal tube and communicating with an outside of the seal tube through first and second base members. Valve switch (38) is disclosed for opening and closing the discharge pipe, as recited in claim 1.

4. Claims 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,618,369 to **Daley**.

The patent to **Daley** discloses a plurality of cylindrical seal tubes to be inserted into a passage such as a tubular member, in which the seal tubes are can be elastically expanded toward the outer periphery, having openings at the fore ends and rear ends. A connecting base member (16) by which a fore end of one seal tube is connected to a rear end of another seal tube to configure a connected tube body. At least one communication path formed in the connecting base member allowing the seal tubes to communicate with each other. First (14) and second (13) base members connected to a fore end and a rear end of the connected tube body so as to tightly seal an inside of the connected tube body and a fluid injection passage (18) to communicate with insides of the plurality of seal tubes through the second base member. A pulling member, shown in phantom, is shown connected to the second base member at (26) for pulling the seal tube out from the fluid passage such as a tubular member with the application of pulling force to the pulling member, as recited in claim 10.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** in view of US 3,564,103 to **Brachschob**.

The patent to **Schneider** discloses inflating the seal tube with air or gas, but does not specifically disclose the use of nitrogen. The patent to **Brachschob** also discloses a pipeline shutoff device including an inflatable sealing member (18) that is filled with nitrogen supplied through line (19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the gas utilized by **Schneider** to inflate the seal tube with nitrogen, as suggested by **Brachschob** wherein it is known in the art to utilize nitrogen since it is known in the art as a preferred gas for the inflation of pipe plugs.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Daley** in view of **Brachschob**.

The patent to **Daley** discloses inflating the seal tube with air through pipe (18), but does not disclose the use of nitrogen. The patent to **Brachschob** also discloses a pipeline shutoff device including an inflatable sealing member (18) that is filled with nitrogen supplied through line (19). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to substitute for the gas utilized by **Daley** to inflate the seal tube with nitrogen, as suggested by **Brachschob** wherein it is known in the art to utilize nitrogen since it is known in the art as a preferred gas for the inflation of pipe plugs.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** in view of US 5,353,842 to **Lundman**.

The patent to **Schneider** discloses the recited structure with the exception of forming the seal tube with a cylindrical rubber sleeve and a further rubber cover bonded to the sleeve. The patent to **Lundman** discloses an inflatable plug, fig. 6, for plugging a pipeline wherein the seal tube includes a rubber sleeve (32) that is formed of elastomeric material such as nitrile and is wrapped so as to provide a plurality of layers of material to form the inflatable sleeve of the plug. An elastic adhesive is provided between each layer so as to bind the layers together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the seal of **Schneider**, a tube including a plurality of rubber layers, as suggested by **Lundman** in order to provide a flexible, inflatable member with increased strength to reduce the risk of puncture.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Daley** in view of **Lundman '842**.

The patent to **Daley** discloses the recited structure with the exception of forming the seal tube with a cylindrical rubber sleeve and a further rubber cover bonded to the sleeve. The patent to **Lundman** discloses an inflatable plug, fig. 6, for plugging a pipeline wherein the seal tube includes a rubber sleeve (32) that is formed of elastomeric material such as nitrile and is wrapped so as to provide a plurality of layers of material to form the inflatable sleeve of the plug. An elastic adhesive is provided between each layer so as to bind the layers together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the seal of **Daley**, a tube including a plurality of rubber layers, as suggested by **Lundman** in order to provide a flexible, inflatable member with increased strength to reduce the risk of puncture.

Allowable Subject Matter

10. Claims 3, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 12-17 are allowed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Lundman '752, Pollock et al., Moore, Austin et al., Larson, Christensen, Alessio, Myers, Svirsky, Tartabini et al., Stringham, III, Telford et al., and Evensta et al. are all pertinent to Applicant's invention in disclosing pipeline plugs having expandable seal tubes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. Effective November 22, 2004 the telephone number will be (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick F. Brinson
Primary Examiner
Art Unit 3752

P. F. Brinson
September 27, 2004